

# State of Wisconsin



2005 Senate Bill 403

Date of enactment:  
Date of publication\*:

## 2005 WISCONSIN ACT

AN ACT *to renumber and amend* 23.33 (3) (e), 29.089 (2), 29.091, 29.621 (4), 440.26 (3m), 941.23, 941.235 (2), 941.295 (2) (d) and 943.13 (2); *to amend* 51.20 (13) (cv) 4., 51.20 (16) (gm), 51.30 (3) (a), 165.60, 165.82 (1) (intro.), 165.82 (2), 175.35 (1) (at), 175.35 (2) (d), 175.35 (2g) (c) 4. a. and b., 175.35 (2k) (ar) 2., 813.12 (6) (am) 1., 813.122 (9) (am) 1., 813.125 (5r) (a), 885.235 (1g) (intro.), 938.396 (8), 943.13 (1m) (b) and 943.13 (3); and *to create* 23.33 (3) (e) 1., 23.33 (3) (e) 2., 23.33 (3) (e) 3., 23.33 (3) (e) 4., 23.33 (3) (em), 29.089 (2) (a), 29.089 (2) (b), 29.089 (2) (c), 29.089 (2) (d), 29.091 (2), 29.621 (4) (a), 29.621 (4) (b), 29.621 (4) (c), 29.621 (4) (d), 29.621 (6), 55.06 (17) (d), 59.25 (3) (u), 165.25 (11), 167.31 (4) (ar), 175.35 (1) (am), 175.48, 175.49, 175.50, 341.175, 440.26 (3m) (a), 440.26 (3m) (b), 440.26 (3m) (c), 440.26 (3m) (d), 885.235 (1g) (e), 938.396 (8m), 941.23 (1), 941.23 (2) (a), 941.23 (2) (b), 941.23 (2) (c), 941.23 (2) (d), 941.23 (2) (e), 941.23 (3), 941.235 (2) (c), 941.235 (2) (d), 941.235 (2) (e), 941.237 (3) (cr), 941.237 (3) (ct), 941.237 (3) (cx), 941.29 (11), 941.295 (2) (d) 2., 941.295 (2g), 941.295 (2r), 943.13 (1e) (bm), 943.13 (1e) (g), 943.13 (1m) (c), 943.13 (2) (bm), 948.605 (2) (c) and 948.61 (3m) of the statutes; **relating to:** carrying a concealed weapon, licenses authorizing persons to carry concealed weapons, possessing or transporting a firearm under certain circumstances, background checks for handgun purchases, photographic identification cards for retired law enforcement officers, requiring the exercise of rule-making authority, providing an exemption from rule-making authority, and providing penalties.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 23.33 (3) (e) of the statutes is renumbered 23.33 (3) (e) (intro.) and amended to read:

23.33 (3) (e) (intro.) With any firearm in his or her possession unless it is unloaded and enclosed in a carrying case, ~~or any bow unless it is unstrung or enclosed in a carrying case.~~ This paragraph does not apply to any of the following:

**SECTION 2.** 23.33 (3) (e) 1. of the statutes is created to read:

23.33 (3) (e) 1. A person who is employed in this state by a public agency as a law enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

**SECTION 3.** 23.33 (3) (e) 2. of the statutes is created to read:

23.33 (3) (e) 2. A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

**SECTION 4.** 23.33 (3) (e) 3. of the statutes is created to read:

23.33 (3) (e) 3. A retired law enforcement officer, as defined in s. 941.23 (1) (f), to whom s. 941.23 (2) (c) 1. to 7. applies.

**SECTION 5.** 23.33 (3) (e) 4. of the statutes is created to read:

23.33 (3) (e) 4. A licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as defined in s. 175.50 (1)

\* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

(g), who possesses a handgun, as defined in s. 175.50 (1) (bm).

**SECTION 6.** 23.33 (3) (em) of the statutes is created to read:

23.33 (3) (em) With any bow unless it is unstrung or enclosed in a carrying case.

**SECTION 7.** 29.089 (2) of the statutes is renumbered 29.089 (2) (intro.) and amended to read:

29.089 (2) (intro.) Except as provided in sub. (3), no person may have in his or her possession or under his or her control a firearm on land located in state parks or state fish hatcheries unless the firearm is unloaded and enclosed within a carrying case. This subsection does not apply to any of the following:

**SECTION 8.** 29.089 (2) (a) of the statutes is created to read:

29.089 (2) (a) A person who is employed in this state by a public agency as a law enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

**SECTION 9.** 29.089 (2) (b) of the statutes is created to read:

29.089 (2) (b) A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

**SECTION 10.** 29.089 (2) (c) of the statutes is created to read:

29.089 (2) (c) A retired law enforcement officer, as defined in s. 941.23 (1) (f), firearm to whom s. 941.23 (2) (c) 1. to 7. applies.

**SECTION 11.** 29.089 (2) (d) of the statutes is created to read:

29.089 (2) (d) A licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as defined in s. 175.50 (1) (g), if the firearm is a handgun, as defined in s. 175.50 (1) (bm).

**SECTION 12.** 29.091 of the statutes is renumbered 29.091 (1) and amended to read:

29.091 (1) No person may hunt or trap within any wildlife refuge established under s. 23.09 (2) (b) or 29.621 (1), or, except as provided in sub. (2), have possession or control of any gun, firearm, bow or crossbow unless the gun or firearm is unloaded, the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed within a carrying case. The taking of predatory game birds and animals shall be done as the department directs. All state wildlife refuge boundary lines shall be marked by posts placed at intervals of not over 500 feet and bearing signs with the words "Wisconsin Wildlife Refuge".

**SECTION 13.** 29.091 (2) of the statutes is created to read:

29.091 (2) The prohibition in sub. (1), as it relates to the possession or control of a loaded or unencased gun or firearm within a game refuge established under s. 23.09 (2) (b), does not apply to any of the following:

(a) A person who is employed in this state by a public agency as a law enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

(b) A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

(c) A retired law enforcement officer, as defined in s. 941.23 (1) (f), to whom s. 941.23 (2) (c) 1. to 7. applies.

(d) A licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as defined in s. 175.50 (1) (g), if the gun or firearm is a handgun, as defined in s. 175.50 (1) (bm).

**SECTION 14.** 29.621 (4) of the statutes is renumbered 29.621 (4) (intro.) and amended to read:

29.621 (4) PROTECTION. (intro.) Except as provided in s. 29.091 (1), no owner of a wildlife refuge, and no other person, may hunt or trap within the boundaries of any wildlife refuge or have in his or her possession or under his or her control in the wildlife refuge a gun, firearm, bow or crossbow, unless the gun or firearm is unloaded, the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed within a carrying case. ~~Nothing in this section may prohibit, prevent or interfere with the department in the destruction of injurious animals.~~ This subsection, as it relates to the possession or control of a loaded or unencased firearm, does not apply to any of the following:

**SECTION 15.** 29.621 (4) (a) of the statutes is created to read:

29.621 (4) (a) A person who is employed in this state by a public agency as a law enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

**SECTION 16.** 29.621 (4) (b) of the statutes is created to read:

29.621 (4) (b) A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

**SECTION 17.** 29.621 (4) (c) of the statutes is created to read:

29.621 (4) (c) A retired law enforcement officer, as defined in s. 941.23 (1) (f), to whom s. 941.23 (2) (c) 1. to 7. applies.

**SECTION 18.** 29.621 (4) (d) of the statutes is created to read:

29.621 (4) (d) A licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as defined in s. 175.50 (1) (g), if the gun or firearm is a handgun, as defined in s. 175.50 (1) (bm).

**SECTION 19.** 29.621 (6) of the statutes is created to read:

29.621 (6) INJURIOUS ANIMALS. Nothing in this section may prohibit, prevent, or interfere with the department in the destruction of injurious animals.

**SECTION 20.** 51.20 (13) (cv) 4. of the statutes is amended to read:

51.20 (13) (cv) 4. If the court prohibits a subject individual from possessing a firearm under subd. 1. or cancels a prohibition under subd. 2., the court clerk shall notify the department of justice of that fact and provide any information identifying the subject individual that is necessary to permit an accurate involuntary commitment history record search under s. 175.35 (2g) (c) or a background check under s. 175.50 (9g) (b). No other information from the subject individual's court records may be disclosed to the department of justice except by order of the court. The department of justice may disclose information provided under this subdivision only as part of an involuntary commitment history record search under s. 175.35 (2g) (c).

**SECTION 21.** 51.20 (16) (gm) of the statutes is amended to read:

51.20 (16) (gm) Upon a request under par. (a), a court may cancel the prohibition under sub. (13) (cv) 1. if the court determines, based on evidence presented on the issue of the subject individual's dangerousness, that there no longer is a substantial probability that the individual may use a firearm to cause physical harm to himself or herself or endanger public safety. If a court cancels a prohibition under sub. (13) (cv) 1. under this paragraph, the court clerk shall notify the department of justice of that fact and provide any information identifying the subject individual that is necessary to permit an accurate involuntary commitment record search under s. 175.35 (2g) (c) or a background check under s. 175.50 (9g) (b). No other information from the subject individual's court records may be disclosed to the department of justice except by order of the court.

**SECTION 22.** 51.30 (3) (a) of the statutes is amended to read:

51.30 (3) (a) Except as provided in pars. (b) and (c) and s. 175.50 (11) (a) 2., g. and 3. and under rules that the department of justice promulgates under s. 175.35 (2g) (c) 3. or 175.50 (9g) (f), the files and records of the court proceedings under this chapter shall be closed but shall be accessible to any individual who is the subject of a petition filed under this chapter.

**SECTION 23.** 55.06 (17) (d) of the statutes is created to read:

55.06 (17) (d) Notwithstanding par. (a), information from records described in par. (a) may be disclosed under rules that the department of justice promulgates under s. 175.35 (2g) (c) 3. or 175.50 (9g) (f).

**SECTION 24.** 59.25 (3) (u) of the statutes is created to read:

59.25 (3) (u) 1. Establish a segregated fund, the proceeds of which may be used by the county to award shooting range grants under s. 175.50 (20m).

2. Deposit into the segregated fund created under subd. 1. all moneys received under s. 175.50 (7) (bp) or (15) (b) 4. c.

3. Make payments from the fund established under subd. 1. as directed by the county.

**SECTION 25.** 165.25 (11) of the statutes is created to read:

165.25 (11) RULES REGARDING CONCEALED WEAPONS LICENSES. (a) Promulgate rules providing a procedure by which the department may file a petition under s. 175.50 (10m) and a license may be revoked under s. 175.50 (14) with respect to a person who is issued a license under s. 175.50 (9r) and who, as a result of being licensed, poses a substantial risk to others.

(b) Determine which states issue permits or licenses to carry a concealed weapon to persons who pass criminal background checks in those states and promulgate by rule a list of those states.

**SECTION 26.** 165.60 of the statutes is amended to read:

**165.60 Law enforcement.** The department of justice is authorized to enforce ss. 101.123 (2), (5), and (8), 175.50 (17) (d) and (e), 944.30, 944.31, 944.33, 944.34, 945.02 (2), 945.03 (1m), and 945.04 (1m) and, with respect to a false statement submitted or made under s. 175.50 (7) (b), (9r), or (15) (b) 2., to enforce s. 946.32 and is invested with the powers conferred by law upon sheriffs and municipal police officers in the performance of those duties. This section does not deprive or relieve sheriffs, constables, and other local police officers of the power and duty to enforce those sections, and those officers shall likewise enforce those sections.

**SECTION 27.** 165.82 (1) (intro.) of the statutes is amended to read:

165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall impose the following fees, plus any surcharge required under sub. (1m), for criminal history searches for purposes unrelated to criminal justice or to s. 175.35, 175.49, or 175.50:

**SECTION 28.** 165.82 (2) of the statutes is amended to read:

165.82 (2) ~~Except as provided in s. 175.35, the~~ The department of justice shall not impose fees for criminal history searches for purposes related to criminal justice.

**SECTION 29.** 167.31 (4) (ar) of the statutes is created to read:

167.31 (4) (ar) Subsections (2) (a), (b), and (c) and (3) (a) and (b) do not apply to the placement, possession, transportation, or loading of a firearm by any of the following:

1. A person who is employed in this state by a public agency as a law enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

2. A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

3. A retired law enforcement officer, as defined in s. 941.23 (1) (f), to whom s. 941.23 (2) (c) 1. to 7. applies.

4. A licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as defined in s. 175.50 (1) (g), if the firearm is handgun, as defined in s. 175.50 (1) (bm).

**SECTION 30.** 175.35 (1) (am) of the statutes is created to read:

175.35 (1) (am) “Disqualifying mental health adjudication” means one of the following events if it occurs in a proceeding that was not commenced by the person who is the subject of the proceeding and if it is based on the person having markedly subnormal intelligence or the person’s mental illness, incompetency, condition, or disease:

1. An order entered by a court in this state that commits a person for treatment in an inpatient mental health facility.

2. A determination by a court in this state that a person is a danger to himself or herself or others under s. 51.20 (1) (a) 2. or lacks the mental capacity to contract or manage his or her own affairs.

**SECTION 31.** 175.35 (1) (at) of the statutes is amended to read:

175.35 (1) (at) “Firearms restrictions record search” means a search of department of justice records to determine whether a person seeking to purchase a handgun is prohibited from possessing a firearm under s. 941.29 or based on a disqualifying mental health adjudication. “Firearms restriction record search” includes a criminal history record search, a search to determine whether a person is prohibited from possessing a firearm under s. 51.20 (13) (cv), a search to determine whether the person is subject to an injunction under s. 813.12 or 813.122, or a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court established by any federally recognized Wisconsin Indian tribe or band, except the Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he or she is subject to the requirements and penalties under s. 941.29 and that has been filed with the circuit court under s. 806.247 (3), and a search to determine whether the person is prohibited from possessing a firearm under s. 813.125 (4m).

**SECTION 32.** 175.35 (2) (d) of the statutes is amended to read:

175.35 (2) (d) Forty-eight hours, subject to extension under sub. (2g) (c) 4. c., have elapsed from the time that the firearms dealer has received a confirmation number regarding the firearms restrictions record search under sub. (2g) (c) from the department of justice and the firearms dealer has not been notified that the transfer would be in violation of s. 941.29 or that the transferee would be prohibited from possessing a firearm based on a disqualifying mental health adjudication.

**SECTION 33.** 175.35 (2g) (c) 4. a. and b. of the statutes are amended to read:

175.35 (2g) (c) 4. a. If the search indicates that the transferee is prohibited from possessing a firearm under s. 941.29 or based on a disqualifying mental health adju-

dication, the department shall provide the firearms dealer with a unique nonapproval number. The department may not disclose to the firearms dealer the reason the transferee is prohibited from possessing a firearm ~~under s. 941.29~~.

b. If the search indicates that the transferee is not prohibited from possessing a firearm under s. 941.29 or based on a disqualifying mental health adjudication, the department shall provide the firearms dealer with a unique approval number.

**SECTION 34.** 175.35 (2k) (ar) 2. of the statutes is amended to read:

175.35 (2k) (ar) 2. Check each duplicate notification form received under sub. (2j) against the information recorded by the department regarding the corresponding request for a firearms restrictions record search under sub. (2g). If the department previously provided a unique approval number regarding the request and nothing in the duplicate completed notification form indicates that the transferee is prohibited from possessing a firearm under s. 941.29 or based on a disqualifying mental health adjudication, the department shall destroy all records regarding that firearms restrictions record search within 30 days after receiving the duplicate form.

**SECTION 35.** 175.48 of the statutes is created to read:

**175.48 Law enforcement officer identification cards.** (1) In this section, “Wisconsin law enforcement agency” has the meaning given in s. 175.46 (1) (f).

(2) If a Wisconsin law enforcement agency issues photographic identification cards to its officers, it may not require an officer to relinquish his or her card upon retirement unless one of the following applies:

(a) The officer may not lawfully possess a firearm under federal law.

(b) The officer did not retire in good standing from service as a law enforcement officer with the agency or retired as a result of mental instability.

(c) The officer was regularly employed as a law enforcement officer for an aggregate of less than 15 years. This paragraph does not apply if the officer, after completing any applicable probationary period of service with the agency, retired from service with the agency due to a service-connected disability, as determined by the agency.

(d) The officer does not have a nonforfeitable right to benefits under the agency’s retirement plan.

(3) Unless sub. (2) (a), (b), (c), or (d) applies, if a Wisconsin law enforcement agency does not issue photographic identification cards to its officers, it shall issue such a card to an officer formerly employed by that agency upon the former officer’s request and at his or her expense.

**SECTION 36.** 175.49 of the statutes is created to read:

**175.49 Retired law enforcement officers seeking to carry concealed weapons.** (1) **DEFINITIONS.** In this section:

(a) "Department" means the department of justice.

(b) "Former employer" means a law enforcement agency that employed a retired law enforcement officer immediately before his or her retirement.

(c) "Law enforcement officer" means a person who is employed by a public agency in the United States for the purpose of engaging in, or supervising others engaging in, the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and who has statutory powers of arrest.

(2) **ISSUANCE OF CERTIFICATION.** Subject to sub. (3), the department shall issue and provide a retired law enforcement officer, upon request and at his or her own expense, an identification card that contains the information specified in sub. (4) (b) and that certifies all of the following:

(a) That the department has found that the retired officer has met the standards established by this state for training and qualification for active duty law enforcement officers to carry firearms.

(b) The date on which the department made the finding under par. (a).

(c) That, as a result of the finding under par. (a), the retired officer is qualified to carry any concealed firearm other than a machine gun or a firearm bearing a silencer.

(3) **PREREQUISITES FOR DEPARTMENT ACTION.** (a) Subsection (2) does not apply with respect to a person requesting an identification card unless all of the following apply:

1. The person retired in good standing from service as a law enforcement officer for reasons other than mental instability.

2. At least one of the following applies:

a. Before retiring, the person was regularly employed as a law enforcement officer for an aggregate of 15 years or more.

b. The person completed any applicable probationary period of service with his or her former employer and retired from service due to a service-connected disability, as determined by his or her former employer.

3. The person has a nonforfeitable right to benefits under his or her former employer's retirement plan.

4. The department determines that its records do not indicate that the person is prohibited from possessing a firearm under federal law or is a person specified in s. 941.29 (1) (a), (b), (bm), (c), (d), (e), or (g).

5. The person is a resident of this state.

(b) The department may require a person to sign appropriate consents for release of information to enable it to confirm that he or she meets all of the prerequisites under this subsection for the department to act under sub. (2).

(c) In addition to other fees authorized under sub. (2), the department may require a person to pay a fee, not to exceed the department's costs, for verifying his or her

employment history or retirement plan status under par. (a) 1. to 3. or making a determination under par. (a) 4.

(4) **CONTENTS OF IDENTIFICATION CARD.** (a) Subject to pars. (b), (c), and (d), the department shall design a single document for identification cards issued under this section. The department shall complete the design of the identification card document no later than the first day of the 2nd month beginning after the effective date of this paragraph .... [revisor inserts date].

(b) In addition to the information certified under sub. (2), an identification card issued under this section shall contain all of the following on one side:

1. The full name, date of birth, and residence address of the retired officer.

2. A physical description of the retired officer, including sex, height, weight, and hair and eye color.

3. The name of this state.

(c) An identification card may not contain the retired officer's social security number.

(d) An identification card issued under this section shall be, to the maximum extent possible, tamper proof. The contents of the identification card shall be included in the document in substantially the same way that the contents of an operator's license document issued under s. 343.17 are included in that document.

**SECTION 37.** 175.50 of the statutes is created to read:

**175.50 License to carry a concealed weapon.** (1)

**DEFINITIONS.** In this section:

(ab) "Alcohol beverages" has the meaning given in s. 125.02 (1).

(abm) "Alcohol concentration" has the meaning given in s. 340.01 (1v).

(ac) "Background check" means a search of department and court records conducted under sub. (9g) to determine a person's eligibility for a license to carry a concealed weapon.

(ag) Except in subs. (2g) (b) and (12g) (a) 2., "carry" means to go armed with.

(ah) "Controlled substance" means a controlled substance, as defined in s. 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m).

(aj) "Department" means the department of justice.

(am) "Drunk driving offense" means any of the following:

1. A violation of s. 346.63 or a local ordinance in conformity with that section.

2. A violation of a law of a federally recognized American Indian tribe or band in this state in conformity with s. 346.63.

3. A violation of the law of another jurisdiction, as defined in s. 340.01 (41m), that prohibits use of a motor vehicle while intoxicated, while under the influence of a controlled substance, a controlled substance analog, or a combination thereof, with an excess or specified range of alcohol concentration, or while under the influence of

any drug to a degree that renders the person incapable of safely driving, as those or substantially similar terms are used in that jurisdiction's laws.

(bm) "Handgun" means any weapon designed or redesigned, or made or remade, and intended to be fired while held in one hand and to use the energy of an explosive to expel a projectile through a smooth or rifled bore. "Handgun" does not include a machine gun, as defined in s. 941.27 (1), a short-barreled rifle, as defined in s. 941.28 (1) (b), or a short-barreled shotgun, as defined in s. 941.28 (1) (c).

(bq) "Intoxicant" means any alcohol beverage, controlled substance, or other drug, or any combination thereof.

(bv) "Law enforcement agency" does not include the department.

(c) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).

(d) "Licensee" means an individual holding a valid license to carry a concealed weapon issued under this section.

(e) "Misdemeanor crime of violence" means any of the following:

1. A misdemeanor violation of chs. 940, 941, or 948 or of s. 947.013 or a violation of s. 947.01 or of sub. (2k) (e) or (16) (cm) 1.

2. A crime under federal law or the law of another state that is comparable to a crime described in subd. 1.

(eg) "Misdemeanor delinquency adjudication" means a finding that a juvenile is delinquent for an act that would be a misdemeanor if committed by an adult.

(er) "Motor vehicle" has the meaning given in s. 340.01 (35).

(f) "Out-of-state authorization" means a valid permit document or a valid license document issued by another state if all of the following apply:

1. The permit document or license document documents that a person is authorized under the law of that state to carry a concealed weapon in that state.

2. The state is listed in the rule promulgated by the department under s. 165.25 (11).

(g) "Out-of-state licensee" means an individual who is 21 years of age or over, who is not a Wisconsin resident, who has been issued an out-of-state authorization, and who is not prohibited from possessing a firearm under s. 941.29 or from possessing a firearm that has been transported in interstate or foreign commerce under federal law.

(gm) "Photo identification card" means an operator's license issued under ch. 343 or an identification card issued under s. 343.50.

(h) "Private property" has the meaning given in s. 943.13 (1e) (e).

(i) "Proprietor" means a person to whom a Class "B" or "Class B" license or permit has been issued under ch. 125.

(ig) "Purpose of authorized analysis" means for the purpose of determining or obtaining evidence of the presence, quantity, or concentration of any intoxicant in a person's blood, breath, or urine.

(ij) "School" has the meaning given in s. 948.61 (1) (b).

(ik) "School premises" has the meaning given in s. 948.61 (1) (c) and includes school buses owned by a school.

(il) "School zone" means any place within 1,000 feet of the grounds of a school but does not include school premises or any place within 100 feet of school premises.

(im) "State identification card number" means the unique identifying driver number assigned to a person by the department of transportation under s. 343.17 (3) (a) 4. or, if the person presents, under sub. (6), an identification card issued under s. 343.50, the number assigned to the person on that identification card.

(is) "Test facility" means a test facility or agency prepared to administer tests under s. 343.305 (2).

(j) "Weapon" means a handgun, an electric weapon, as defined in s. 941.295 (4), a knife other than a switchblade knife under s. 941.24, or a billy club.

**(2) ISSUANCE OF LICENSE.** The department shall issue licenses to carry a concealed weapon to an individual who meets the qualifications specified in sub. (3) and who completes the application process specified in sub. (7). A license to carry a concealed weapon issued under this section shall meet the requirements specified in sub. (2m).

**(2g) CARRYING A CONCEALED WEAPON; CARRYING AND DISPLAY OF LICENSE DOCUMENT OR AUTHORIZATION.** (a) A licensee or an out-of-state licensee may carry a concealed weapon anywhere in this state except as provided under sub. (15m) or (16) or s. 941.20 (1) (b) or 943.13 (1m) (c).

(b) A licensee shall carry his or her license document and photo identification card and an out-of-state licensee shall carry his or her out-of-state authorization at all times during which he or she is going armed with a concealed weapon.

(c) If he or she is carrying a concealed weapon, a licensee shall display his or her license document and photo identification card and an out-of-state licensee shall display his or her out-of-state authorization to a law enforcement officer upon the request of the law enforcement officer.

**(2i) PRELIMINARY BREATH SCREENING TEST.** (a) *Requirement.* A person shall provide a sample of his or her breath for a preliminary breath screening test if a law enforcement officer has probable cause to believe that the person is violating sub. (16) (cm) 1. and if, prior to an arrest, the law enforcement officer requested that the person provide this sample.

(b) *Use of test results.* A law enforcement officer may use the results of a preliminary breath screening test

for the purpose of deciding whether or not to arrest a person for a violation of sub. (16) (cm) 1. or for the purpose of deciding whether or not to request a chemical test under sub. (2k). Following the preliminary breath screening test, chemical tests may be required of the person under sub. (2k).

(c) *Admissibility.* The result of a preliminary breath screening test is not admissible in any action or proceeding except to show probable cause for an arrest, if the arrest is challenged, or to show that a chemical test was properly required of a person under sub. (2k).

(d) *Refusal.* There is no penalty for a violation of par. (a). Neither sub. (17) (b) nor the general penalty provision under s. 939.61 applies to that violation.

(2j) **IMPLIED CONSENT.** Any person who carries a concealed weapon in this state is deemed to have given consent to provide one or more samples of his or her breath, blood, or urine for the purpose of authorized analysis as required under sub. (2k). Any person who carries a concealed weapon in this state is deemed to have given consent to submit to one or more chemical tests of his or her breath, blood, or urine for the purpose of authorized analysis as required under sub. (2k).

(2k) **CHEMICAL TESTS.** (a) *Requirement.* 1. 'Samples; submission to tests.' A person shall provide one or more samples of his or her breath, blood, or urine for the purpose of authorized analysis if he or she is arrested for a violation of sub. (16) (cm) 1. and if he or she is requested to provide the sample by a law enforcement officer. A person shall submit to one or more chemical tests of his or her breath, blood, or urine for the purpose of authorized analysis if he or she is arrested for a violation of sub. (16) (cm) 1. and if he or she is requested to submit to the test by a law enforcement officer.

2. 'Information.' A law enforcement officer requesting a person to provide a sample or to submit to a chemical test under subd. 1. shall inform the person of all of the following at the time of the request and prior to obtaining the sample or administering the test:

a. That he or she is deemed to have consented to tests under sub. (2i).

b. That a refusal to provide a sample or to submit to a chemical test constitutes a violation under par. (e) and is subject to the same penalties and procedures as a violation of sub. (16) (cm) 1.

c. That in addition to the designated chemical test under par. (b) 2. he or she may have an additional chemical test under par. (c) 1.

3. 'Unconscious person.' A person who is unconscious or otherwise not capable of withdrawing consent is presumed not to have withdrawn consent under this paragraph, and if a law enforcement officer has probable cause to believe that the person violated sub. (16) (cm) 1., one or more chemical tests may be administered to the person without a request under subd. 1. and without providing information under subd. 2.

(b) *Chemical tests.* 1. 'Test facility.' Upon the request of a law enforcement officer, a test facility shall administer a chemical test of breath, blood, or urine for the purpose of authorized analysis. A test facility shall be prepared to administer 2 of the 3 chemical tests of breath, blood, or urine for the purpose of authorized analysis. The department may enter into agreements for the cooperative use of test facilities.

2. 'Designated chemical test.' A test facility shall designate one chemical test of breath, blood, or urine which it is prepared to administer first for the purpose of authorized analysis.

3. 'Additional chemical test.' A test facility shall specify one chemical test of breath, blood, or urine, other than the test designated under subd. 2., which it is prepared to administer for the purpose of authorized analysis as an additional chemical test.

4. 'Validity; procedure.' A chemical test of blood or urine conducted for the purpose of authorized analysis is valid as provided under s. 343.305 (6). The duties and responsibilities of the laboratory of hygiene, department of health and family services, and department of transportation under s. 343.305 (6) apply to a chemical test of blood or urine conducted for the purpose of authorized analysis under this subsection. Blood may be withdrawn from a person arrested for a violation of sub. (16) (cm) 1. only by a physician, registered nurse, medical technologist, physician assistant, or person acting under the direction of a physician and the person who withdraws the blood, the employer of that person, and any hospital where blood is withdrawn have immunity from civil or criminal liability as provided under s. 895.53.

5. 'Report.' A test facility which administers a chemical test of breath, blood, or urine for the purpose of authorized analysis under this subsection shall prepare a written report which shall include the findings of the chemical test, the identification of the law enforcement officer or the person who requested a chemical test, and the identification of the person who provided the sample or submitted to the chemical test. The test facility shall transmit a copy of the report to the law enforcement officer and the person who provided the sample or submitted to the chemical test.

(c) *Additional and optional chemical tests.* 1. 'Additional chemical test.' If a person is arrested for a violation of sub. (16) (cm) 1. and if the person is requested to provide a sample or to submit to a test under par. (a) 1., the person may request the test facility to administer the additional chemical test specified under par. (b) 3. or, at his or her own expense, reasonable opportunity to have any qualified person administer a chemical test of his or her breath, blood, or urine for the purpose of authorized analysis.

2. 'Optional test.' If a person is arrested for a violation of sub. (16) (cm) 1. and if the person is not requested to provide a sample or to submit to a test under par. (a) 1.,

the person may request the test facility to administer a chemical test of his or her breath or, at his or her own expense, reasonable opportunity to have any qualified person administer a chemical test of his or her breath, blood, or urine for the purpose of authorized analysis. If a test facility is unable to perform a chemical test of breath, the person may request the test facility to administer the designated chemical test under par. (b) 2. or the additional chemical test under par. (b) 3.

3. 'Compliance with request.' A test facility shall comply with a request under this paragraph to administer any chemical test that it is able to perform.

4. 'Inability to obtain chemical test.' The failure or inability of a person to obtain a chemical test at his or her own expense does not preclude the admission of evidence of the results of a chemical test required and administered under pars. (a) and (b).

(d) *Admissibility; effect of test results; other evidence.* The results of a chemical test required or administered under par. (a), (b), or (c) are admissible in any civil or criminal action or proceeding arising out of the acts committed by a person alleged to have violated sub. (16) (cm) 1. on the issue of whether the person had alcohol concentrations at or above specified levels or was under the influence of an intoxicant. Results of these chemical tests shall be given the effect required under s. 885.235. This subsection does not limit the right of a law enforcement officer to obtain evidence by any other lawful means.

(e) *Refusal.* No person may refuse a lawful request to provide one or more samples of his or her breath, blood, or urine or to submit to one or more chemical tests under par. (a). A person shall not be deemed to refuse to provide a sample or to submit to a chemical test if it is shown by a preponderance of the evidence that the refusal was due to a physical inability to provide the sample or to submit to the test due to a physical disability or disease unrelated to the use of an intoxicant. Issues in any action concerning a violation of par. (a) or this paragraph are limited to:

1. Whether the law enforcement officer had probable cause to believe the person was violating or had violated sub. (16) (cm) 1.
2. Whether the person was lawfully placed under arrest for violating sub. (16) (cm) 1.
3. Whether the law enforcement officer requested the person to provide a sample or to submit to a chemical test and provided the information required under par. (a) 2. or whether the request and information were unnecessary under par. (a) 3.
4. Whether the person refused to provide a sample or to submit to a chemical test.

(2m) **LICENSE DOCUMENT; CONTENT OF LICENSE.** (a) Subject to pars. (b), (c), and (d), the department shall design a single license document for licenses issued and renewed under this section. The department shall com-

plete the design of the license document no later than the first day of the 2nd month beginning after the effective date of this paragraph .... [revisor inserts date].

(b) A license document for a license issued under this section shall contain all of the following on one side:

1. The full name, date of birth, and residence address of the licensee.
2. A physical description of the licensee, including sex, height, weight, and hair and eye color.
3. The date on which the license was issued.
4. The date on which the license expires.
5. The name of this state.
6. A unique identification number for each licensee.

(c) The license document may not contain the licensee's social security number.

(d) A license document issued under this section shall be, to the maximum extent possible, tamper proof. The contents of the license document shall be included in the document in substantially the same way that the contents of an operator's license document issued under s. 343.17 are included in that document.

(3) **QUALIFICATIONS FOR OBTAINING A LICENSE.** An individual is eligible for a license under this section if all of the following apply:

- (a) The individual is at least 21 years of age.
- (b) The individual does not have a severe physical disability that prevents him or her from safely handling a weapon and that, if the individual were handling a weapon, would cause the individual to pose a significant public safety risk. The department may determine that a person is ineligible for a license under this paragraph only if the form that the person has submitted under (7) (d) does not indicate that the person is eligible. The department may override an indication on a form submitted under sub. (7) (d) that a person is not eligible for a license under this paragraph. This paragraph does not apply to a person certified under sub. (3m) (b) as an instructor of a firearm training or firearm safety course or class.
- (c) The individual is not prohibited under federal law from possessing a firearm that has been transported in interstate or foreign commerce.
- (d) The individual is not prohibited from possessing a firearm under s. 941.29.
- (e) During the preceding 3 years, the individual has not been committed under s. 51.20 for being drug dependent.
- (f) During the preceding 3 years, the individual has not been convicted for any violation, or for the solicitation, conspiracy, or attempt to commit any violation, of ch. 961 or of a federal law or a law of another state that is comparable to any provision of ch. 961.

(c) The individual is not prohibited under federal law from possessing a firearm that has been transported in interstate or foreign commerce.

(d) The individual is not prohibited from possessing a firearm under s. 941.29.

(e) During the preceding 3 years, the individual has not been committed under s. 51.20 for being drug dependent.

(f) During the preceding 3 years, the individual has not been convicted for any violation, or for the solicitation, conspiracy, or attempt to commit any violation, of ch. 961 or of a federal law or a law of another state that is comparable to any provision of ch. 961.

(g) The individual does not chronically and habitually use alcohol beverages or other substances to the extent that his or her normal faculties are impaired. A person is presumed chronically and habitually to use



alcohol beverages or other substances to the extent that his or her normal faculties are impaired if, within the preceding 3 years, any of the following applies:

1. The individual has been committed for involuntary treatment under s. 51.45 (13).

2. The individual has been convicted of a violation of s. 941.20 (1) (b).

3. In 2 or more cases arising out of separate incidents, a court has found the individual to have committed a drunk driving offense.

(h) 1. The individual has done one of the following:

a. Successfully completed a firearm training or firearm safety course or class that meets the requirements of sub. (3m) (a) and that is conducted by an instructor certified by the state in which the course or class was conducted or by a national or state organization that certifies firearms instructors.

b. Participated in organized shooting competitions or military, law enforcement, or security training that gave the applicant experience with firearms that the department determines is substantially equivalent to any course or class that meets the requirements of sub. (3m) (a).

c. Been certified as described under sub. (3m) (b) as an instructor of a firearm training or firearm safety course or class.

2. If subd. 1. a. or b. applies, the person providing the training or organizing a shooting competition in which the person has competed shall complete the form designed by the department under sub. (5) (b) 1.

(i) The individual has not been found incompetent under ch. 880 or, if the individual has been found incompetent under ch. 880, he or she was subsequently found to be competent and at least 5 years have elapsed from the date that he or she was found to be competent.

(im) The individual was not the subject of a protective placement under s. 55.06 as a minor unless at least 5 years have elapsed from the date on which his or her protective placement ended.

(j) The individual has not been involuntarily committed for treatment under s. 51.20 due to mental illness or a developmental disability or, if the individual has been involuntarily committed for treatment under s. 51.20 due to mental illness or a developmental disability, he or she shows, through evidence from a psychiatrist licensed in this state, that he or she has not been disabled due to mental illness or a developmental disability for at least 5 years.

(k) The individual has not been found incompetent under s. 971.14 or, if the individual has been found incompetent under s. 971.14, one of the following applies:

1. He or she was subsequently found to be competent and at least 5 years have elapsed from the date that he or she was found to be competent.

2. He or she was not subsequently found to be competent and he or she shows, through evidence from a psychi-

atrist licensed in this state, that he or she has not been disabled due to mental illness or a developmental disability for at least 5 years.

(L) The individual has not been found not guilty by reason of mental disease or defect under s. 971.17 or, if the individual has been found not guilty by reason of mental disease or defect under s. 971.17, he or she presents evidence from a psychiatrist licensed in this state that he or she has not been disabled due to mental illness or a developmental disability for at least 5 years.

(m) Within the preceding 3 years, the individual was not convicted of a misdemeanor crime of violence or was not serving a sentence, on probation, or subject to a dispositional order under ch. 938 for committing a misdemeanor crime of violence.

(mm) The individual has not been convicted of a misdemeanor violation of s. 940.32, 1999 stats., or a misdemeanor violation of a federal law or a law of another state that is comparable to s. 940.32.

(mr) The individual has not been prohibited from obtaining a license under sub. (10m) based on the individual having committed a misdemeanor crime of violence.

(n) The individual has not been charged with a felony or a misdemeanor crime of violence for which the prosecution was suspended under a deferred prosecution agreement unless 3 years have elapsed since the date of the agreement.

(o) The individual is not the subject of any pending civil or criminal case, the disposition of which could disqualify him or her from having a license under this subsection.

(p) The individual has not previously submitted an application for a license under this section and had the application denied, unless each reason for the denial is no longer applicable because of changed circumstances or, if the denial was based on a restriction under this subsection that applies for a specified period of time, because that time period has run.

(q) The individual has not had a license that was issued under this section revoked, unless each reason for the revocation is no longer applicable because of changed circumstances or, if the revocation was based on a restriction under this subsection that applies for a specified period of time, because that time period has run.

(r) Within the preceding 3 years, the individual was not convicted under sub. (17) (d) or (e) and was not serving a sentence, on probation, or subject to a dispositional order under ch. 938 for committing an offense under sub. (17) (d) or (e).

(s) The individual is a Wisconsin resident.

**(3m) COURSE OR CLASS REQUIREMENTS.** (a) A firearm training or firearm safety course or class under sub. (3)

(h) 1. a. shall consist of all of the following:

1. Instruction on how to handle, load, unload, and store handguns.

2. Instruction on the privilege of self-defense and the defense of others under s. 939.48.

3. Instruction on how to avoid injuring 3rd parties when defending himself, herself, or others in a manner that is privileged under s. 939.48.

4. Instruction on basic self-defense principles.

5. Instruction on how to carry a concealed handgun safely.

6. Instruction on firing a handgun.

7. Practice firing a handgun.

(am) The department may not specify the number of hours of instruction, either in the aggregate or with respect to any of the individual topics specified in par. (a) 1. to 7., that a course or class must provide.

(ar) A refresher firearm training or firearm safety course or class under sub. (15) (b) 5. a. shall be not more than 4 hours in length and shall consist of all of the following:

1. Instruction on how to handle, load, unload, and store handguns.

2. Instruction on the privilege of self-defense and the defense of others under s. 939.48.

3. Instruction on how to avoid injuring 3rd parties when defending himself, herself, or others in a manner that is privileged under s. 939.48.

4. Instruction on basic self-defense principles.

5. Instruction on how to carry a concealed handgun safely.

6. Instruction on firing a handgun.

7. Practice firing a handgun.

(b) The department shall certify instructors who are qualified to teach a course or class described in par. (a) or (ar) and maintain a list of instructors that it certifies. To be certified by the department as an instructor, a person must meet all of the following criteria:

1. Be qualified under sub. (3) to carry a concealed weapon.

2. Be able to demonstrate the ability and knowledge required for instructing students under par. (a) 1. to 7. or (ar) 1. to 7.

(5) APPLICATION, RENEWAL, AND TRAINING FORMS. (a) The department shall design an application form for use by individuals who apply for a license under this section and a renewal form for use by individuals applying for renewal of a license under sub. (15). The department shall complete the design of the application form no later than the first day of the 2nd month beginning after the effective date of this subsection .... [revisor inserts date], and shall complete the design of the renewal form no later than the first day of the 36th month beginning after the effective date of this subsection .... [revisor inserts date]. The forms shall require the applicant to provide only his or her name, address, date of birth, state identification card number, race, sex, height, weight, and hair and eye color and the registration number for each motor vehicle

registered in the applicant's name and shall include all of the following:

1. A statement that the applicant is eligible for a license if the requirements specified in sub. (3) are met.

2. A statement explaining the privilege of self-defense and defense of others under s. 939.48, with a place for the applicant to sign his or her name to indicate that he or she has read and understands the statement.

3. A statement, with a place for the applicant to sign his or her name, to indicate that the applicant has read and understands the requirements of this section.

4. A statement that the application must include the notarized statement described under sub. (7) (b) and that an applicant may be prosecuted if he or she gives a false answer to any question on the application or submits a falsified document with the application.

5. A statement of the penalties for giving a false answer to any question on the application or submitting a falsified document with the application.

(b) 1. The department shall design a form for use by individuals listed in sub. (3) (h) 2. to verify a person's eligibility for a license under sub. (3) (b) and (h) 1. The form shall provide for verification of a person's eligibility under sub. (3) (b) by providing a space for the individual completing the form to check a box indicating whether the person is eligible for a license under sub. (3) (b).

2. The department shall design a form for use by individuals listed in sub. (15) (bm) to verify a person's eligibility under sub. (15) (b) 5. for a license renewal.

(c) The department shall make the forms described in this subsection available on the Internet or by mail upon request.

(6) REVIEW BY NOTARY. Before a person submits an application under sub. (7), the person shall display a valid license document or identification card that he or she has been issued under s. 343.17 or 343.50 to the notary who is to notarize the statement required under sub. (7) (b). Before notarizing that statement, the notary shall verify the person's identity using that license document or identification card and verify that the name and state identification card number listed on the license document or identification card are the same as the name and state identification card number listed on the application.

(7) SUBMISSION OF APPLICATION. An individual may apply for a license under this section with the department by submitting to the department all of the following:

(a) A completed application in the form prescribed under sub. (5) (a).

(b) A notarized statement that states that the information that he or she is providing in the application submitted under par. (a) and any document submitted with the application is true and complete to the best of his or her knowledge.

(bd) A license fee of \$52.

(bh) A fee for a background check of \$8.

(bp) A shooting range improvement fee of \$15 written as a separate check, made out to the applicant's county of residence, that the department shall forward to that county on at least a quarterly basis.

(d) A training certificate, in the form created by the department under sub. (5) (b) 1., that is completed by the person specified in sub. (3) (h) 2. and that shows that the person is eligible for a license under sub. (3) (b) and (h) 1. This paragraph does not apply to a person certified under sub. (3m) (b) as an instructor of a firearm training or firearm safety course or class.

**(9) PROCESSING OF APPLICATION.** (a) Upon receiving an application submitted under sub. (7), the department shall conduct a background check, as provided under sub. (9g).

(b) Subject to par. (c), within 21 days after receiving an application under sub. (7), the department shall do one of the following:

1. Issue the license and promptly send the licensee his or her license document by 1st class mail.

2. Deny the application, but only if the applicant fails to qualify under the criteria specified in sub. (3). If the department denies the application, the department shall inform the applicant in writing, stating the reason and factual basis for the denial to the extent permitted under federal law.

(c) The time period specified in par. (b) (intro.) is tolled during the pendency of any action brought under sub. (10m).

**(9g) BACKGROUND CHECKS.** (b) The department shall conduct a background check regarding an applicant for a license using the following procedure:

1. The department shall create a confirmation number associated with the applicant.

2. The department shall use the transaction information for management of enforcement system and the national crime information center system.

3. As soon as practicable, the department shall do the following:

a. If the background check indicates that the applicant does not qualify for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (mm), (n), (o), or (r), create a unique nonapproval number for the applicant.

b. If the completed background check does not indicate that the applicant is disqualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (mm), (n), (o), or (r), create a unique approval number for the applicant.

c. If the background check indicates that the applicant was the subject of a relevant criminal charge for which there is no recorded disposition or if, in the case of a misdemeanor delinquency adjudication, the background check does not indicate how long the resultant dispositional order was in effect, make all reasonable efforts to obtain the missing information.

(c) The department shall conduct the background check under par. (b) immediately if the background check is for an applicant for an emergency license under sub. (9r).

(d) The department shall maintain the record of all completed application forms and a record of all approval or nonapproval numbers regarding background checks under this subsection.

(e) 1. The department shall check each application form. If the department provided a unique approval number regarding the request, the department shall, except as provided in subd. 2., destroy all records regarding that background check within 30 days after receiving the form.

2. The department may maintain records necessary to administer this subsection and, for a period of not more than 15 months after the department issues a unique approval number, a log of dates of background checks under this subsection together with unique approval and nonapproval numbers corresponding to those dates.

(f) The department shall promulgate rules authorizing it to obtain records necessary to determine an applicant's eligibility under sub. (3) (e), (g) 1., (i), (im), and (j) for a license issued under this section.

**(9r) EMERGENCY LICENSE.** (a) Unless the department knows that the person is not qualified for a license under sub. (3) (a) to (g) or (i) to (s), the department shall issue or renew a license under this section to an individual who does not satisfy the requirements under sub. (3) (h) 1. or (15) (b) 5. if the department determines that immediate licensure or renewal is warranted to protect the individual from death or great bodily harm, as defined in s. 939.22 (14). If the individual has obtained a temporary restraining order or injunction under s. 813.12 or 813.125 or a foreign protection order that meets the requirements of s. 806.247 (2) and that has the same effect as an order issued under s. 813.12 or 813.125, the department shall presume that immediate licensure is warranted to protect the individual from death or great bodily harm. If the department issues or renews a license under this paragraph it shall conduct an immediate background check under sub. (9g).

(b) 1. Except as provided in subd. 2. and par. (d), a license issued under par. (a) is valid for 120 days from the date on which it is issued and may not be renewed.

2. If the department learns that an individual to whom the department has issued a license under par. (a) does not qualify for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (mm), (n), (o), or (r), the department shall revoke the license.

(c) The department may waive the fees that would otherwise be required under sub. (7) (bd), (bh), and (bp) for an individual who is applying for a license under par. (a) if requiring the individual to pay the fees would create a hardship for the individual. The department shall promulgate rules specifying the procedures and definitions to apply when determining whether an individual is eligi-

ble for a waiver of the fees for an emergency license under this section as provided under this paragraph.

(d) A person who has been issued a license under par. (a) may obtain a license under sub. (2) if he or she meets the qualifications specified under sub. (3) and completes the application process specified in sub. (7). A license issued to a person under par. (a) is void if the person is issued a license under sub. (2).

**(10) EXEMPTION FROM BACKGROUND CHECK.** Notwithstanding subs. (9) (a) and (15) (c), the department shall issue or renew a license under this section to any of the following individuals without requesting a background check:

- (a) A law enforcement officer.
- (b) A correctional officer.
- (c) A probation, parole, and extended supervision agent.

(d) A person who holds a current certification from the law enforcement standards board under s. 165.85 (3) (c).

**(10m) DISQUALIFICATION PETITION REGARDING CERTAIN MISDEMEANANTS.** (a) If the department receives an application for a license under this section from a person who has committed a misdemeanor crime of violence and the person is eligible for a license under sub. (3) (m), the department may file a petition under this subsection asking the circuit court to enter an order barring the person from receiving a license. The department may only file such a petition if the petition alleges that, based on the person's commission of one or more misdemeanor crimes of violence, the person would pose a substantial risk to others if the person were issued a license under this section.

(b) The department shall file any such petition in the circuit court of the person's county of residence. The department may not file the petition more than 30 days after receiving the person's completed application, unless the person was issued a license under sub. (9r). The court shall allow the person 30 days to file an answer to the petition. The court may hold an evidentiary hearing on the petition.

(c) If the court determines, by clear and convincing evidence, that the person would pose a substantial risk to others if the person were issued a license under this section, the court shall enter an order prohibiting the person from obtaining a license under this section.

(d) If the court denies the department's petition, the court shall award the person costs and reasonable attorney fees.

(e) The court shall expedite any proceeding brought under this subsection.

**(11) UPDATED INFORMATION.** (a) 1. In this paragraph:

a. "Clerk" means the clerk of the circuit court or, if it has enacted a law or an ordinance in conformity with s. 346.63, the clerk of the court for a federally recognized

American Indian tribe or band in this state, a city, a village, or a town.

b. "Court automated information systems" means the systems under s. 758.19 (4).

2. The court automated information systems, or the clerk or register in probate, if the information is not contained in or cannot be transmitted by the court automated information systems, shall promptly notify the department of the name of any individual with respect to whom any of the following occurs and the specific reason for the notification:

a. The individual is charged with a felony, a misdemeanor crime of violence, a violation of ch. 961, the solicitation, conspiracy, or attempt to commit any violation of ch. 961, a violation of s. 941.20 (1) (b), a violation of sub. (17) (d) or (e), or any other crime that, upon conviction, would disqualify the individual from having a license under this section.

b. The individual is charged with a drunk driving offense.

c. The individual is found by a court to have committed any offense described in subd. 2. a. or b.

d. Prosecution of a felony or a misdemeanor crime of violence for which the individual is charged is suspended under a deferred prosecution agreement.

e. The individual is found incompetent under s. 971.14.

f. The individual is found not guilty of any crime by reason of mental disease or mental defect under s. 971.17.

g. The individual is involuntarily committed for treatment under s. 51.20 or 51.45.

h. The individual is found incompetent under ch. 880.

i. The individual becomes subject to an injunction described in s. 941.29 (1) (f) or is ordered not to possess a firearm under s. 813.125 (4m).

j. A court has prohibited the individual from possessing a dangerous weapon under s. 969.02 (3) (c).

3. Upon receiving a notice under subd. 2., the department shall immediately determine if the individual who is the subject of the notice is a licensee, using the list maintained under sub. (12) (a).

(b) 1. Within 10 days after being charged under federal law or the law of another state with any crime or any drunk driving offense, a licensee shall notify the department of the charge.

2. No later than 30 days after changing his or her address, a licensee shall inform the department of his or her new address. The department shall include the individual's new address in the list under sub. (12) (a).

**(12) MAINTENANCE, USE, AND PUBLICATION OF RECORDS BY THE DEPARTMENT.** (a) The department shall maintain a computerized record listing the names and the information specified in sub. (2m) (b) of all individuals who have been issued a license under this section. Except as provided in par. (b) 1. and subject to par. (b) 2., neither

the department nor any employee of the department may store, maintain, format, sort, or access the information in any way other than by the names, dates of birth, or sex of licensees or by the identification numbers assigned to licensees under sub. (2m) (b) 6.

(b) 1. A law enforcement officer who is employed by the department may obtain information regarding a licensee from the department of transportation under s. 341.175 (4).

2. A law enforcement officer who is employed by the department may not request or be provided information maintained by the department under par. (a) concerning a specific licensee except for one of the following purposes:

a. To confirm that a license produced by an individual at the request of a law enforcement officer is valid.

b. To confirm that an individual holds a valid license under this section, if the individual is going armed with a concealed weapon but is not carrying his or her license document and claims to hold a valid license issued under this section.

c. To investigate whether an individual submitted an intentionally false notarized statement under sub. (7) (b) or (15) (b) 2., intentionally violated sub. (11) (b) 1., or intentionally made a false statement to the department in connection with the individual's request for an emergency license under sub. (9r).

d. To investigate whether an individual complied with sub. (11) (b) 1. or (14) (b) 2.

(c) Notwithstanding s. 19.35, neither the department nor any department employee may make information obtained under this section available to the public except in the context of a prosecution for an offense in which the person's status as a licensee is relevant, in the context of a proceeding under sub. (10m), or through a report created under sub. (19).

**(12g) PROVIDING LICENSEE INFORMATION TO LAW ENFORCEMENT AGENCIES.** (a) The department shall provide information concerning a specific licensee to a law enforcement agency, but only if the law enforcement agency is requesting the information for any of the following purposes:

1. To confirm that a license produced by an individual at the request of a law enforcement officer is valid.

2. To confirm that an individual holds a valid license under this section, if the individual is going armed with a concealed weapon but is not carrying his or her license document and claims to hold a valid license issued under this section.

3. To investigate whether an individual submitted an intentionally false notarized statement under sub. (7) (b) or (15) (b) 2., intentionally violated sub. (11) (b) 1., or intentionally made a false statement to the department in connection with the individual's request for an emergency license under sub. (9r).

(b) 1. Notwithstanding s. 19.35, neither a law enforcement agency nor any of its employees may make information regarding an individual that was obtained from the department under this subsection or from the department of transportation under s. 341.175 available to the public except in the context of a prosecution for an offense in which the person's status as a licensee is relevant.

2. Neither a law enforcement agency nor any of its employees may store or maintain information regarding an individual that was obtained from the department under this subsection or from the department of transportation under s. 341.175 based on the individual's status as a licensee.

3. Neither a law enforcement agency nor any of its employees may sort or access information regarding vehicle stops, investigations, civil or criminal offenses, or other activities involving the agency based on the status as licensees of any individuals involved.

**(12r) PROVIDING LICENSEE INFORMATION TO THE DEPARTMENT OF TRANSPORTATION.** If any of the following happens with respect to a person, the department shall notify the department of transportation of the person's name, date of birth, and sex, the date on which the person was last issued a license under this section, and any vehicle registration number provided by the person on his or her application for that license:

(a) The person is issued a license.

(b) The person's license is renewed.

(c) The person's license expires and is not renewed.

(d) The person's license is suspended or revoked.

(e) The person's suspended license is reinstated.

**(13) LOST OR DESTROYED LICENSE.** No later than 30 days after losing his or her license document or after his or her license document is destroyed, a licensee shall submit to the department a notarized statement that his or her license document has been lost or destroyed. The department shall issue a replacement license document within 14 days of receiving the notarized statement and a replacement license fee of \$15.

**(14) LICENSE REVOCATION AND SUSPENSION.** (a) The department shall revoke a license issued under this section if the licensee no longer meets all of the criteria specified in sub. (3) (b) to (g), (i) to (n), and (p) to (s).

(am) 1. If any of the following occurs with respect to a licensee, the department shall suspend the licensee's license:

a. The licensee is the subject of a pending civil or criminal case, the disposition of which could require revocation of his or her license under par. (a).

b. A court has prohibited the licensee from possessing a dangerous weapon under s. 969.02 (3) (c).

2. If the department suspends a license under subd. 1., and, upon disposition of the case, the person to whom the license was issued meets all of the criteria specified

in sub. (3), the department shall restore the license within 14 days of receiving the disposition.

(b) 1. If the department revokes or suspends a license under this section, the revocation or suspension shall take effect immediately.

2. If the department suspends or revokes a license issued under this section, it shall send the individual whose license has been suspended or revoked notice of the suspension or revocation by certified mail within one day after the suspension or revocation. Within 7 days after receiving the notice, the individual whose license has been suspended or revoked shall deliver the license document personally or by certified mail to the department.

**(14g) DEPARTMENTAL REVIEW.** The department shall promulgate rules providing for the review of any action by the department denying an application for a license under this section, suspending or revoking a license under this section, or denying certification as an instructor under sub. (3m) (b).

**(14m) APPEALS TO THE CIRCUIT COURT.** (a) A person aggrieved by any action by the department denying an application for a license under this section, suspending or revoking a license under this section, or denying certification as an instructor under sub. (3m) (b) may appeal directly to the circuit court of his or her county, but only if the person has completed the review process established under sub. (14g).

(b) To begin an appeal under this subsection, the aggrieved person shall file a petition for review with the clerk of the applicable circuit court within 30 days after the completion of the review process established under sub. (14g). The petition shall state the substance of the department's action that the person is appealing from and the grounds upon which the person believes the department's action to be improper. The petition may include a copy of any records or documents that are relevant to the grounds upon which the person believes the department's action to be improper.

(c) A copy of the petition shall be served upon the department either personally or by registered or certified mail within 5 days after the person files his or her petition under par. (b).

(d) The department shall file an answer within 15 days after being served with the petition under par. (c). The answer shall include a brief statement of the actions taken by the department. A copy of any documents or records on which the department based its action shall be included with the answer when filed.

(e) The court shall review the petition, the answer, and any records or documents submitted with the petition or the answer. The review under this paragraph shall be conducted by the court without a jury and shall be confined to the petition, the answer, and any records or documents submitted with the petition or the answer, except that in cases of alleged irregularities in procedure by the

department the court may take testimony that the court determines is appropriate.

(f) The court shall affirm the department's action unless the court finds any of the following:

1. That the department failed to follow procedure prescribed under this section.

2. That the department erroneously interpreted a provision of law and a correct interpretation compels a different action.

3. That the department's action depends on a finding of fact that is not supported by substantial evidence in the record.

(g) 1. The court's decision shall provide whatever relief is appropriate regardless of the original form of the petition.

2. If the court overturns the department's decision under sub. (3m) (b), the court shall order the department to pay the aggrieved person all court costs and reasonable attorney fees.

**(15) LICENSE EXPIRATION AND RENEWAL.** (a) Except as provided in par. (e) and sub. (9r) (b) 1., a license issued under this section is valid for a period of 5 years from the date on which the license is issued unless the license is suspended or revoked under sub. (9g) (e) 1. or (14).

(b) The department shall design a notice of expiration form. At least 90 days before the expiration date of a license issued under this section, the department shall mail to the licensee a notice of expiration form and a form for renewing the license. The department shall renew the license if, before the date the license expires, the licensee does all of the following:

1. Submits a renewal application on the form provided by the department.

2. Submits a notarized statement reporting that the information provided under subd. 1. is true and complete to the best of his or her knowledge and that he or she is qualified under sub. (3).

3m. Submits a training certificate, in the form created by the department under sub. (5) (b) 2., that is completed by the person specified in par. (bm) and that shows that the person is eligible under subd. 5. for a license renewal.

4. Pays all of the following:

a. A \$27 renewal fee.

b. A fee for a background check of \$8.

c. A shooting range improvement fee of \$15 written as a separate check, made out to the applicant's county of residence, that the department shall forward to that county on at least a quarterly basis.

5. No earlier than 6 months before the date the license expires, does one of the following:

a. Completes a refresher firearm training or firearm safety course or class that meets the requirements of sub. (3m) (ar) and that is conducted by an instructor certified by the state in which the course or class was conducted or by a national or state organization that certifies firearms instructors.

b. Participates in organized shooting competitions or military, law enforcement, or security training that gives him or her experience with firearms that the department determines is substantially equivalent to any course or class that meets the requirements of sub. (3m) (ar).

(bm) The person under par. (b) 5. who is providing the training or organizing a shooting competition in which the person has competed shall complete the form designed by the department under sub. (5) (b) 2.

(c) The department shall conduct a background check of a licensee as provided under sub. (9g) before renewing the licensee's license under par. (b).

(d) If an individual whose license has expired does not submit a renewal application under par. (b) before 6 months after the expiration date, the license shall permanently expire. An individual whose license has permanently expired may apply for a new license under sub. (7).

(e) The license of a member of the U.S. armed forces, a reserve unit of the armed forces, or the national guard who is deployed overseas while on active duty may not expire until at least 90 days after the end of the licensee's overseas deployment unless the license is suspended or revoked under sub. (9g) (e) 1. or (14).

**(15m) PRIVATE EMPLOYER RESTRICTIONS.** (a) Except as provided in par. (b), a private employer may prohibit a licensee or an out-of-state licensee that it employs from carrying a concealed weapon or a particular type of concealed weapon in the course of the licensee's or out-of-state licensee's employment or during any part of the licensee's or out-of-state licensee's course of employment.

(b) A private employer may not prohibit a licensee or an out-of-state licensee, as a condition of employment, from carrying a concealed weapon or a particular type of concealed weapon or storing a weapon or a particular type of weapon in the licensee's or out-of-state licensee's own motor vehicle, regardless of whether the motor vehicle is used in the course of employment.

**(16) PROHIBITED ACTIVITY.** (a) Neither a licensee nor an out-of-state licensee may knowingly carry a concealed weapon in any of the following places:

1. A place that has been declared a nuisance under ch. 823.

2. A police station, sheriff's office, or state patrol station. This subdivision does not prohibit a peace officer who is acting within the scope of his or her employment from carrying a concealed weapon in a police station, sheriff's office, or state patrol station.

3. A prison, jail, house of correction, or secured correctional facility.

4. A courthouse, except that a judge who is a licensee may carry a concealed weapon in a courthouse in which he or she is presiding in court and may permit in writing any other licensee or out-of-state licensee to carry a concealed weapon in a courthouse in which he or she is presiding in court.

5. A place at which a school, college, or professional athletic event is taking place, unless the event is related to firearms and the licensee or out-of-state licensee is a participant in the event.

5m. A place at which an organized youth sporting event is taking place.

6. A school administration building.

7. Any premises for which a Class "B" or "Class B" license or permit has been issued under ch. 125, unless one of the following applies:

a. The licensee or the out-of-state licensee is a person described in s. 941.237 (3) (a), (b), (c), (cm), or (d).

b. If the licensee or the out-of-state licensee is carrying a handgun, his or her possession of the handgun is described in s. 941.237 (3) (e), (f), (g), (h), (i), or (j).

c. The sale of intoxicating liquors or fermented malt beverages or both on those premises accounts for not more than 50 percent of the proprietor's annual gross receipts from those premises.

8. A security checkpoint or a place beyond a security checkpoint in an airport, unless the weapon is encased for shipment as baggage to be transported by aircraft.

9. A place in which carrying the weapon is prohibited by federal law.

10. A kindergarten facility or classroom.

11. A child care center licensed under s. 48.65, except that the owner of the child care center or an authorized representative of the owner may permit a licensee or out-of-state licensee to carry a concealed weapon in the child care center. The owner or authorized representative shall inform the parent, guardian, or custodian of each enrolled child whenever it grants permission to a licensee or an out-of-state licensee to carry a concealed weapon in the child care center. The owner or authorized representative shall also inform the parent, guardian, or custodian of each newly enrolled child if, at the time of the child's enrollment, any licensee or out-of-state licensee is permitted to carry a concealed weapon at the child care center.

12. A building or part of a building that is used for a domestic violence victim services program or by an organization that provides a safe haven for victims of domestic violence, except that the owner of the building or an authorized representative of the owner may permit a licensee or out-of-state licensee to carry a concealed weapon in the building or part of the building.

13. A building or part of a building that is used for religious worship or another religious purpose, except that the owner of the building or an authorized representative of the owner may permit a licensee or out-of-state licensee to carry a concealed weapon in the building or a part of the building.

14. A health-related facility, except that the director of any health-related facility, or his or her authorized representative, may permit a licensee or out-of-state licensee to carry a concealed weapon in the health-

related facility. In this subdivision "health-related facility" means a health care facility, as defined in s. 150.84 (2); a clinic or office that is used by a physician licensed under ch. 448; an adult family home, as defined in s. 50.01 (1); a residential care apartment complex, as defined in s. 50.01 (1d); a facility, as defined in s. 50.01 (1m); or a home health agency, as defined in s. 50.49 (1) (a).

15. A building located on the campus of a private or public university, college, or technical college, except that the president of a private university or college; the chancellor of an institution, as defined in s. 36.05 (9), except the chancellor of the University of Wisconsin Colleges, as defined in s. 36.05 (14); the dean of a college campus, as defined in s. 36.05 (6m); or the director of a technical college district may permit a licensee or out-of-state licensee to carry a concealed weapon in a building under his or her jurisdiction.

16. A building owned by a nonprofit organization, whose primary function is to provide direct services to children or families, in or at which the nonprofit organization provides direct services to children or families, except that the owner of the building or an authorized representative of the owner may permit a licensee or out-of-state licensee to carry a concealed weapon in the building.

(at) Neither a licensee nor an out-of-state licensee may carry a concealed weapon in a building owned or leased by the state or any political subdivision of the state if the building provides electronic screening for weapons at all public entrances to the building and for the locked storage of weapons on the premises while the licensee or out-of-state licensee is in the building. This paragraph does not apply to:

1. Peace officers or armed forces or military personnel who go armed in the line of duty.
2. A person authorized to carry a weapon in the building by the chief of police of the city, village, or town or the sheriff of the county in which the building is located.
3. A person authorized to carry a weapon in the building by the chief of the capitol police, if the building is owned or leased by the state.

(b) Neither a licensee nor an out-of-state licensee may carry a handgun in a school zone unless one of the following applies:

1. The individual is in a motor vehicle or on a snowmobile or bicycle.
2. The individual has exited a motor vehicle and is encasing the handgun or storing it in the motor vehicle.
3. The individual is traveling directly to any person's private property from his or her place of employment or business, from any person's private property, or from a place outside of the school zone.
4. The individual is traveling directly to his or her place of employment or business from another place of

his or her employment or business, from any person's private property, or from a place outside of the school zone.

5. The individual is traveling directly to a place outside of the school zone from another place outside of the school zone, from any individual's private property, or from his or her place of employment or business.

6. The individual's possession of the handgun is described in s. 948.605 (2) (b).

(bg) Neither a licensee nor an out-of-state licensee may carry a handgun within 100 feet of school premises unless one of the following applies:

1. The individual is in a motor vehicle.
2. The individual's possession of the handgun is described in s. 948.605 (2) (b).

(br) Neither a licensee nor an out-of-state licensee may carry a handgun on school premises unless the individual's possession of the handgun is described in s. 948.605 (2) (b).

(c) Neither a licensee nor an out-of-state licensee may knowingly carry a weapon other than a handgun on school premises, as defined in s. 948.61 (1) (c), unless he or she is a person described in or a person whose conduct is described in s. 948.61 (3).

(cm) 1. A person may not carry a concealed weapon if any of the following applies:

- a. The person's alcohol concentration exceeds 0.02.
- b. The person is under the influence of an intoxicant to a degree which materially impairs his or her ability to handle the weapon.

2. A person may be charged with and a prosecutor may proceed upon a complaint based upon a violation of subd. 1. a. or b. or both for acts arising out of the same incident or occurrence. If the person is charged with violating both subd. 1. a. and b., the offenses shall be joined. Subdivision 1. a. and b. each requires proof of a fact for conviction which the other does not require.

(d) Paragraphs (a), (at), (b), and (c) do not apply to a peace officer, as defined in s. 939.22 (22).

(17) PENALTIES. (a) Any person who violates sub. (2g) (b) or (c) may be required to forfeit not more than \$25.

(ag) Any person who violates sub. (12) or (12g) may be fined not more than \$500 or sentenced to a term of imprisonment of not more than 30 days or both.

(ar) Any law enforcement officer who uses excessive force based solely on an individual's status as a licensee may be fined not more than \$500 or sentenced to a term of imprisonment of not more than 30 days or both.

(b) Any person who violates sub. (16) (a), (at), (b), or (c) may be fined not more than \$1,000 or imprisoned for not more than 90 days or both.

(bm) Any person who violates sub. (2k) (e) or (16) (cm) 1. may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.



(d) Any person who intentionally violates sub. (11) (b) 1. shall be fined not less than \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

(e) Any person required under sub. (14) (b) 2. to relinquish or deliver a license document to the department who intentionally violates the requirements of that subdivision shall be fined not less than \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

(f) Any person who violates sub. (16) (bg) or (br) is guilty of a Class I felony.

(19) **STATISTICAL REPORT.** By March 1 of each year, the department shall submit a statistical report to the legislature under s. 13.172 (2) and to the governor that indicates the number of licenses applied for, issued, denied, suspended, and revoked under this section during the previous calendar year. For the licenses denied, the report shall indicate the reasons for the denials and the part of the application process in which the reasons for denial were discovered. For the licenses suspended or revoked, the report shall indicate the reasons for the suspensions and revocations.

(20m) **GRANTS FOR SHOOTING RANGES.** (a) Using the fees collected under subs. (7) (bp) and (15) (b) 4. c., a county shall award grants to persons for construction or improvement of shooting ranges.

(b) A grant awarded under this subsection may be for up to 50 percent of the cost of the construction or improvement of the shooting range. A grant awarded under this subsection may not be used to pay for any of the following:

1. The construction of clubhouses and facilities that are not essential to the operation of the shooting range.
2. The operation and maintenance of the shooting range.

(c) In order to receive a grant under this subsection, the person creating or improving a shooting range shall agree to provide the facility for a firearm safety course or class that meets the requirements under sub. (3m) (a).

(d) In determining whether to make a grant under this subsection to a particular applicant, the county shall consider the potential of the project to meet the needs of firearm safety courses or classes that meet the requirements under sub. (3m) in the area served by the shooting range relative to the proposed cost of the construction or improvement.

(21) **IMMUNITY.** (a) The department and its employees, clerks, as defined in sub. (11) (a) 1. a., and their staff, and court automated information systems, as defined under sub. (11) (a) 1. b., and their employees are immune from liability arising from any act or omission under this section, if done in good faith.

(b) A person providing a firearm safety or firearm training course or class in good faith is immune from liability arising from any act or omission related to the

course or class if the course or class is one described in sub. (3) (h) 1. or (15) (b) 5.

(c) A person that permits an individual to carry a concealed weapon on property that the person owns or occupies is immune from any liability arising from its decision to do so, if done in good faith.

(d) An employer that permits any of its employees to carry a concealed weapon under sub. (15m) is immune from any liability arising from its decision to do so, if done in good faith.

**SECTION 38.** 341.175 of the statutes is created to read:

**341.175 Department to maintain records.** (1) In this section, "licensee" has the meaning given in s. 175.50 (1) (d).

(2) Using the information provided under s. 175.50 (12r) and obtained through rules promulgated under sub. (3), the department shall maintain a record of each owner who is a licensee. If its records indicate that an owner of a vehicle is a licensee, the department shall, in its registration records for that vehicle, include a confidential entry that informs a law enforcement officer who requests information regarding that vehicle that the owner is a licensee.

(3) The department, in consultation with the department of justice, shall promulgate rules specifying how it shall obtain the vehicle registration number for a licensee, as defined in s. 175.50 (1) (d), if there was no motor vehicle registered to the person when he or she became a licensee.

(4) A law enforcement officer may request information maintained by the department under sub. (2) only if he or she is conducting a vehicle stop that meets the requirements of s. 349.02 (2) (a).

(5) (a) Notwithstanding s. 19.35, neither the department nor any of its employees may make information maintained under sub. (2) available to the public.

(b) Neither the department nor any of its employees may store, maintain, format, sort, or access information regarding licensees based on their status as licensees.

(6) A person who violates sub. (4) or (5) may be fined not more than \$500 or sentenced to a term of imprisonment of not more than 30 days or both.

**SECTION 39.** 440.26 (3m) of the statutes is renumbered 440.26 (3m) (intro.) and amended to read:

**440.26 (3m) RULES CONCERNING DANGEROUS WEAPONS.** (intro.) The department shall promulgate rules relating to the carrying of dangerous weapons by a person who holds a license or permit issued under this section or who is employed by a person licensed under this section. The rules shall meet the minimum requirements specified in [15 USC 5902 \(b\)](#); and shall allow all of the following:

**SECTION 40.** 440.26 (3m) (a) of the statutes is created to read:

**440.26 (3m) (a)** A person who is employed in this state by a public agency as a law enforcement officer to

carry a concealed firearm if s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

**SECTION 41.** 440.26 (3m) (b) of the statutes is created to read:

440.26 (3m) (b) A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1) (e), to carry a concealed firearm if s. 941.23 (2) (b) 1. to 3. applies.

**SECTION 42.** 440.26 (3m) (c) of the statutes is created to read:

440.26 (3m) (c) A retired law enforcement officer, as defined in s. 941.23 (1) (f), to carry a concealed firearm if s. 941.23 (2) (c) 1. to 7. applies.

**SECTION 43.** 440.26 (3m) (d) of the statutes is created to read:

440.26 (3m) (d) A licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as defined in s. 175.50 (1) (g), to go armed with a concealed weapon as permitted under s. 175.50.

**SECTION 44.** 813.12 (6) (am) 1. of the statutes is amended to read:

813.12 (6) (am) 1. If an injunction is issued or extended under sub. (4) or if a tribal injunction is filed under s. 806.247 (3), the clerk of the circuit court shall notify the department of justice of the injunction and shall provide the department of justice with information concerning the period during which the injunction is in effect and information necessary to identify the respondent for purposes of a firearms restrictions record search under s. 175.35 (2g) (c) or a background check under s. 175.50 (9g) (b).

**SECTION 45.** 813.122 (9) (am) 1. of the statutes is amended to read:

813.122 (9) (am) 1. If an injunction is issued or extended under sub. (5), the clerk of the circuit court shall notify the department of justice of the injunction and shall provide the department of justice with information concerning the period during which the injunction is in effect and information necessary to identify the respondent for purposes of a firearms restrictions record search under s. 175.35 (2g) (c) or a background check under s. 175.50 (9g) (b).

**SECTION 46.** 813.125 (5r) (a) of the statutes is amended to read:

813.125 (5r) (a) If an order prohibiting a respondent from possessing a firearm is issued under sub. (4m), the clerk of the circuit court shall notify the department of justice of the existence of the order prohibiting a respondent from possessing a firearm and shall provide the department of justice with information concerning the period during which the order is in effect and information necessary to identify the respondent for purposes of a firearms restrictions record search under s. 175.35 (2g) (c) or a background check under s. 175.50 (9g) (b).

**SECTION 47.** 885.235 (1g) (intro.) of the statutes is amended to read:

885.235 (1g) (intro.) In any action or proceeding in which it is material to prove that a person was under the influence of an intoxicant or had a prohibited alcohol concentration or a specified alcohol concentration while operating or driving a motor vehicle or, if the vehicle is a commercial motor vehicle, on duty time, while operating a motorboat, except a sailboat operating under sail alone, while operating a snowmobile, while operating an all-terrain vehicle, while going armed with a concealed weapon, or while handling a firearm, evidence of the amount of alcohol in the person's blood at the time in question, as shown by chemical analysis of a sample of the person's blood or urine or evidence of the amount of alcohol in the person's breath, is admissible on the issue of whether he or she was under the influence of an intoxicant or had a prohibited alcohol concentration or a specified alcohol concentration if the sample was taken within 3 hours after the event to be proved. The chemical analysis shall be given effect as follows without requiring any expert testimony as to its effect:

**SECTION 48.** 885.235 (1g) (e) of the statutes is created to read:

885.235 (1g) (e) In a case brought under s. 175.50 (16) (cm) 1. a. or b., the fact that the analysis shows that the person had an alcohol concentration of more than 0.0 but less than 0.02 is relevant evidence on the issue of whether the person was intoxicated or had an alcohol concentration of 0.02 or more but is not to be given any prima facie effect. In a case brought under s. 175.50 (16) (cm) 1. a., the fact that the analysis shows that the person had an alcohol concentration of 0.02 or more is prima facie evidence that he or she had an alcohol concentration of 0.02 or more.

**SECTION 49.** 938.396 (8) of the statutes is amended to read:

938.396 (8) Notwithstanding sub. (2), if a juvenile is adjudged delinquent for an act that would be a felony if committed by an adult, the court clerk shall notify the department of justice of that fact. No other information from the juvenile's court records may be disclosed to the department of justice except by order of the court. The department of justice may disclose any information provided under this subsection only as part of a firearms restrictions record search under s. 175.35 (2g) (c) or a background check under s. 175.50 (9g) (b).

**SECTION 50.** 938.396 (8m) of the statutes is created to read:

938.396 (8m) (a) Notwithstanding sub. (2), if a juvenile is adjudged delinquent for an act that would be a misdemeanor crime of violence, as defined in s. 175.50 (1) (e), if committed by an adult, the court clerk shall notify the department of justice of that fact. Except as provided in par. (b), no other information from the juvenile's court records may be disclosed to the department of justice except by order of the court.

(b) If an applicant for a license to carry a concealed weapon under s. 175.50 was adjudicated delinquent as a juvenile in a case covered by par. (a), the department of justice may request permission to review court records relating to the case for the purpose of determining whether the applicant meets the requirement under s. 175.50 (3) (m). Upon receiving such a request, the court shall open for inspection by authorized representatives of the department of justice the records of the court relating to that case.

(c) The department of justice may disclose information provided or obtained under this subsection only as part of a background check under s. 175.50 (9g) (b).

**SECTION 51.** 941.23 of the statutes is renumbered 941.23 (2) (intro.) and amended to read:

941.23 (2) (intro.) Any person ~~except a peace officer, other than one of the following,~~ who goes armed with a concealed and dangerous weapon is guilty of a Class A misdemeanor.

**SECTION 52.** 941.23 (1) of the statutes is created to read:

941.23 (1) In this section:

(a) "Destructive device" has the meaning given in [18 USC 921](#) (a) (4).

(c) "Former employer" has the meaning given in s. 175.49 (1) (b).

(d) "Law enforcement officer" has the meaning given in s. 175.49 (1) (c).

(e) "Qualified out-of-state law enforcement officer" means a law enforcement officer to whom all of the following apply:

1. The person is employed by a state or local government agency in another state.

2. The agency has authorized the person to carry a firearm.

3. The person is not the subject of any disciplinary action by the agency.

4. The person meets all standards established by the agency to qualify the person on a regular basis to use a firearm.

5. The person is not prohibited under federal law from possessing a firearm.

(f) "Retired law enforcement officer" means a person who, before retiring, was employed as a law enforcement officer with a public agency.

**SECTION 53.** 941.23 (2) (a) of the statutes is created to read:

941.23 (2) (a) A peace officer.

**SECTION 54.** 941.23 (2) (b) of the statutes is created to read:

941.23 (2) (b) A qualified out-of-state law enforcement officer. This paragraph applies only if all of the following apply:

1. The weapon is a firearm but is not a machine gun, as defined in s. 941.27 (1), or a destructive device.

2. A firearm silencer, as defined in s. 941.298 (1), is not attached to the weapon.

3. The officer is not under the influence of an intoxicant.

**SECTION 55.** 941.23 (2) (c) of the statutes is created to read:

941.23 (2) (c) A retired law enforcement officer. This paragraph applies only if all of the following apply:

1. The retired officer has been issued a photographic identification document described in s. 941.23 (3) (b) 1. or both of the following:

a. A photographic identification document described in s. 941.23 (3) (b) 2. (intro.).

b. An identification card described in s. 941.23 (3) (b) 2. a., if the retired officer resides in this state, or a certification described in s. 941.23 (3) (b) 2. b., if the retired officer resides in another state.

2. The weapon is a firearm that is of the type described in a photographic identification document described in subd. 1. (intro.) or a certification described in subd. 1. b.

3. Within the preceding 12 months, the retired officer met the standards of the state in which he or she resides for training and qualification for active duty law enforcement officers to carry firearms.

4. The weapon is not a machine gun, as defined in s. 941.27 (1), or a destructive device.

5. A firearm silencer, as defined in s. 941.298 (1), is not attached to the weapon.

6. The retired officer is not under the influence of an intoxicant.

7. The retired officer is not prohibited under federal law from possessing a firearm.

**SECTION 56.** 941.23 (2) (d) of the statutes is created to read:

941.23 (2) (d) A licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as defined in s. 175.50 (1) (g), if the dangerous weapon is a weapon, as defined under s. 175.50 (1) (j). An individual formerly licensed under s. 175.50 whose license has been suspended or revoked under s. 175.50 (14) may not assert his or her refusal to accept a notice of revocation or suspension mailed under s. 175.50 (14) (b) 2. as a defense to prosecution under this subsection, regardless of whether the person has complied with s. 175.50 (11) (b).

**SECTION 57.** 941.23 (2) (e) of the statutes is created to read:

941.23 (2) (e) An individual who goes armed with a concealed and dangerous weapon, as defined in s. 175.50 (1) (j), in his or her own dwelling or place of business or on land that he or she owns, leases, or legally occupies, unless he or she is prohibited under federal or state law from possessing that weapon.

**SECTION 58.** 941.23 (3) of the statutes is created to read:

941.23 (3) (a) A qualified out-of-state law enforcement officer shall, while carrying a concealed firearm, also carry an identification card that contains his or her photograph and that was issued by the law enforcement agency by which he or she is employed.

(b) A retired law enforcement officer shall, while carrying a concealed firearm, also carry one of the following:

1. A photographic identification document issued by the retired officer's former employer that indicates that, within the 12 months preceding the date on which the retired officer is carrying the concealed firearm, he or she was tested or otherwise found by his or her former employer to meet the standards that it has established for training and qualification for active duty law enforcement officers to carry a firearm of the same type as the firearm that the retired officer is carrying.

2. A photographic identification document issued by retired officer's former employer and one of the following:

a. An identification card issued under s. 175.49 (2), if the retired officer resides in this state.

b. A certification issued by the state in which the retired officer resides, if the retired officer resides in another state, that indicates that, within the 12 months preceding the date on which the retired officer is carrying the concealed firearm, he or she was tested or otherwise found by that state to meet the state's standards for training and qualification for active duty law enforcement officers to carry a firearm of the same type as the firearm that the retired officer is carrying.

(c) A person who violates this subsection may be required to forfeit not more than \$25.

(d) This subsection does not apply to a licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as defined in s. 175.50 (1) (g).

**SECTION 59.** 941.235 (2) of the statutes is renumbered 941.235 (2) (intro.) and amended to read:

941.235 (2) (intro.) This section does not apply to peace any of the following:

(a) Peace officers or armed forces or military personnel who go armed in the line of duty ~~or to any~~.

(b) A person duly authorized by the chief of police of any city, village or town, the chief of the capitol police or the sheriff of any county to possess a firearm in any building under sub. (1).

**SECTION 60.** 941.235 (2) (c) of the statutes is created to read:

941.235 (2) (c) A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

**SECTION 61.** 941.235 (2) (d) of the statutes is created to read:

941.235 (2) (d) A retired law enforcement officer, as defined in s. 941.23 (1) (f), to whom s. 941.23 (2) (c) 1. to 7. applies.

**SECTION 62.** 941.235 (2) (e) of the statutes is created to read:

941.235 (2) (e) A licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as defined in s. 175.50 (1) (g), if the firearm is a handgun, as defined in s. 175.50 (1) (bm).

**SECTION 63.** 941.237 (3) (cr) of the statutes is created to read:

941.237 (3) (cr) A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

**SECTION 64.** 941.237 (3) (ct) of the statutes is created to read:

941.237 (3) (ct) A retired law enforcement officer, as defined in s. 941.23 (1) (f), to whom s. 941.23 (2) (c) 1. to 7. applies.

**SECTION 65.** 941.237 (3) (cx) of the statutes is created to read:

941.237 (3) (cx) A licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as defined in s. 175.50 (1) (g).

**SECTION 66.** 941.29 (11) of the statutes is created to read:

941.29 (11) This section does not apply to any of the following:

(a) A person who is employed in this state by a public agency as a law enforcement officer, to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

(b) A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

(c) A retired law enforcement officer, as defined in s. 941.23 (1) (f), to whom s. 941.23 (2) (c) 1. to 7. applies.

**SECTION 67.** 941.295 (2) (d) of the statutes is renumbered 941.295 (2) (d) (intro.) and amended to read:

941.295 (2) (d) (intro.) Any manufacturer or seller whose of electric weapons are used in this state solely by persons, unless the manufacturer or seller engages in the conduct described in sub. (1) with the intent to provide an electric weapon to someone other than one of the following:

1. A person specified in pars. (a) to (c) or sub. (2g) (a).

**SECTION 68.** 941.295 (2) (d) 2. of the statutes is created to read:

941.295 (2) (d) 2. A person for use in his or her dwelling or place of business or on land that he or she owns, leases, or legally occupies.

**SECTION 69.** 941.295 (2g) of the statutes is created to read:

941.295 (2g) The prohibition in sub. (1) on possessing or going armed with an electric weapon does not apply to any of the following:

(a) A licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as defined in s. 175.50 (1) (g).

(b) An individual who goes armed with an electric weapon in his or her own dwelling or place of business or on land that he or she owns, leases, or legally occupies, unless he or she is prohibited under federal or state law from possessing that weapon.

**SECTION 70.** 941.295 (2r) of the statutes is created to read:

941.295 (2r) The prohibition in sub. (1) on transporting an electric weapon does not apply to any of the following:

(a) A licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as defined in s. 175.50 (1) (g).

(b) An individual who transports an electric weapon from any of the following places to any of the following places:

1. His or her dwelling.
2. His or her own place of business.
3. Land that he or she owns, leases, or legally occupies.

**SECTION 71.** 943.13 (1e) (bm) of the statutes is created to read:

943.13 (1e) (bm) "Licensee" means a licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as defined in s. 175.50 (1) (g).

**SECTION 72.** 943.13 (1e) (g) of the statutes is created to read:

943.13 (1e) (g) "Weapon" has the meaning given in s. 175.50 (1) (j).

**SECTION 73.** 943.13 (1m) (b) of the statutes is amended to read:

943.13 (1m) (b) Enters or remains on any land of another after having been notified by the owner or occupant not to enter or remain on the premises. This paragraph does not apply to a licensee if the owner's or occupant's intent is to prevent the licensee from going armed with a concealed weapon on the owner's or occupant's land.

**SECTION 74.** 943.13 (1m) (c) of the statutes is created to read:

943.13 (1m) (c) 1. While going armed with a concealed weapon, enters or remains at a residence that the person does not own or occupy after the owner of the residence, if he or she has not leased it to another person, or the occupant of the residence has notified the actor not to enter or remain at the residence while going armed with a concealed weapon or with that type of concealed weapon. In this subdivision, "residence," with respect to a single-family residence, includes all of the premises, and "residence," with respect to a residence that is not a single-family residence, does not include any common area of the building in which the residence is located.

2. While going armed with a concealed weapon, enters or remains in any part of a nonresidential building that the person does not own or occupy after the owner of the building, if that part of the building has not been leased to another person, or the occupant of that part of

the building has notified the actor not to enter or remain in that part of the building while going armed with a concealed weapon or with that type of concealed weapon. This subdivision does not apply to a part of a building occupied by the state or one of its political subdivisions or to any part of a building used for parking.

**SECTION 75.** 943.13 (2) of the statutes is renumbered 943.13 (2) (am), and 943.13 (2) (am) (intro.) and 1., as renumbered, are amended to read:

943.13 (2) (am) (intro.) A person has received notice from the owner or occupant within the meaning of sub. (1m) (b), (e) or (f) if he or she has been notified personally, either orally or in writing, or if the land is posted. Land is considered to be posted under this ~~subsection~~ paragraph under either of the following procedures:

1. If a sign at least 11 inches square is placed in at least 2 conspicuous places for every 40 acres to be protected. The sign must carry an appropriate notice and the name of the person giving the notice followed by the word "owner" if the person giving the notice is the holder of legal title to the land and by the word "occupant" if the person giving the notice is not the holder of legal title but is a lawful occupant of the land. Proof that appropriate signs as provided in this ~~paragraph~~ subdivision were erected or in existence upon the premises to be protected prior to the event complained of shall be prima facie proof that the premises to be protected were posted as provided in this ~~paragraph~~ subdivision.

**SECTION 76.** 943.13 (2) (bm) of the statutes is created to read:

943.13 (2) (bm) 1. In this paragraph, "sign" means a sign that states a restriction imposed under subd. 2. that is at least 11 inches square.

2. For the purposes of sub. (1m) (c) 2., an owner or occupant of a part of a nonresidential building has notified an individual not to enter or remain in that part of the nonresidential building while going armed with a concealed weapon or with a particular type of concealed weapon if the owner or occupant has done all of the following:

a. Posted a sign that is located in a prominent place near the primary entrance to the part of the nonresidential building to which the restriction applies.

b. Personally and orally notified the individual of the restriction.

**SECTION 77.** 943.13 (3) of the statutes is amended to read:

943.13 (3) Whoever erects on the land of another signs which are the same as or similar to those described in sub. (2) (~~am~~) without obtaining the express consent of the lawful occupant of or holder of legal title to such land is subject to a Class C forfeiture.

**SECTION 79.** 948.605 (2) (c) of the statutes is created to read:

948.605 (2) (c) Paragraph (a) does not apply to any of the following:

1. A person who is employed in this state by a public agency as a law enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

2. A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

3. A retired law enforcement officer, as defined in s. 941.23 (1) (f), to whom s. 941.23 (2) (c) 1. to 7. applies.

4. A licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as defined in s. 175.50 (1) (g), if the firearm is a handgun, as defined in s. 175.50 (1) (bm).

**SECTION 80.** 948.61 (3m) of the statutes is created to read:

948.61 (3m) This section does not apply to the possession of a weapon, as defined in s. 175.50 (1) (j), other than a handgun, as defined in s. 175.50 (1) (bm), by a licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as defined in s. 175.50 (1) (g).

**SECTION 81. Nonstatutory provisions.**

(1) Using the procedure under section 227.24 of the statutes, the department of justice shall promulgate rules

required under section 175.35 (2g) (c) 3. of the statutes and under sections 165.25 (11) (a) and 175.50 (9g) (f) of the statutes, as created by this act, for the period before the effective date of the permanent rules promulgated under those sections, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of an emergency for a rule promulgated under this subsection.

**SECTION 82. Effective dates.** This act takes effect on the first day of the 4th month beginning after publication, except as follows:

(1) The treatment of sections 165.25 (11) (a), 175.49 (4), and 175.50 (2m), (3m) (b), and (5) of the statutes and SECTION 81 (1) of this act take effect on the day after publication.

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